

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:

Applicant: Tiano et al.

Atty. Docket No.: Tiano

Serial No.: 09/809,738

Examiner: Curtis Edward Sherrer

Filing Date: March 14, 2001

Art Unit: 1761

Entitled: NUTRITIONAL PRODUCT WITH HIGH PROTEIN, LOW CARBOHYDRATE
CONTENT AND GOOD PHYSICAL STABILITY

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.6(d)

Date of Transmission: 12/10/02

I hereby certify that this correspondence is being sent via facsimile to (703) 305-3602 to the attention of Examiner Curtis Edward Sherrer, c/o Commissioner for Patents, BOX - AMENDMENT (NO FEE), Washington, D.C. 20231.

Jennifer Warner
Jennifer Warner

Commissioner for Patents
BOX - AMENDMENT (NO FEE)
Washington, D.C. 20231

COMMUNICATION UNDER 37 CFR 1.111

Dear Sir:

This communication is in response to a first Office Action mailed on September 11, 2002. Please enter the following amendment to the claims without prejudice and consider the following remarks which support allowance of those claims.

In the Claims:

Please amend claim 1 as follows:

Claim 1 (Amended). A ready-to-drink nutritional product comprising:

- a) from [about] 37 to 47% of calories from fat wherein said fat comprises at least 3% of calories from omega-6 fats and at least 0.5% of calories from omega-3 fats;
- b) from [about] 53 to 62% of calories from protein wherein said protein is a mixture of soy protein isolate and calcium caseinate;

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